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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,703	04/13/2006	Yukitaka Shimizu	1907-0233PUS1	2551

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BIRCH STEWART KOLASCH & BIRCH  
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FALLS CHURCH, VA 22040-0747

EXAMINER
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AGWUMEZIE, CHARLES C

ART UNIT	PAPER NUMBER
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3685

NOTIFICATION DATE	DELIVERY MODE
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07/21/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/575,703	<b>Applicant(s)</b> SHIMIZU ET AL.	
	<b>Examiner</b> CHARLES C. AGWUMEZIE	<b>Art Unit</b> 3685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 36-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 and 45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>see continuation</u> .  | 6) <input type="checkbox"/> Other: _____                          |

04/13/06; 11/27/07; 08/05/08; and 01/27/09

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 28, 2010 has been entered.

### **Acknowledgement**

2. Applicant's amendment filed on May 13, 2010 is acknowledged. Accordingly claims 1-45 remain pending with claims 1-35 and 45 being examined.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claim 45**, is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed contains no support for “one changed version”. There are new claims without support in the specification. This is the first instance of this invention that is unrelated and unsupported by the original filing. Cancellation of the new matter is required.

Applicant's amendments/arguments filed May 13, 2010 have been considered but are deemed without merit since the applicant argues an invention lacking support in the specification and based entirely on new matter.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13, 15, 17-32, 34 and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al (hereinafter “Zhu”) U.S. Patent Application Publication No. 2005/0080746 A1 in view of Alkove et al (hereinafter “Alkove”) U.S. Patent Application Publication No. 2004/0143760 A1.

7. As per **claims 1, 17, 18, 19 and 20**, Zhu discloses a content use control device for performing use control of a content provided from a providing source of various contents to a user, comprising:

Art Unit: 3685

an input-output interface (client device; see figs 1) for connecting to providing source of a plurality of partial contents, inputting said plurality of partial contents, each partial content including a unique use condition field storing a use condition as license information (*see fig. 1; 0008, which discloses includes access rules for accessing the content*); and

license generation unit for integrating said plurality of partial contents into a collective content, assigning respective license information to said plurality of partial contents that make up said collective content and generating single license information by collecting the assigned respective license information (*0006, which discloses that the partial licenses are combinable to form a formal license that may be utilized to output the content*).

8. What Zhu does not explicitly use is the claim phrase partial content.

A person of ordinary skill in the art would recognize that partial content is equivalent to and refers to a partial license for one or more data streams since in computer field software and application are generally described in terms of licenses or content.

9. Alternatively Alkove discloses the use of partial content (see abstract, which discloses one or more data streams...)

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate the content use control device wherein a collection of partial content are aggregated into a collective

Art Unit: 3685

content separately licensable in order to ensure security of the protected contents from unauthorized use in view of the teachings of Alkove.

**10.** As per **claims 2 and 21**, Zhu further discloses the content use control device, wherein the license generation unit assigns respective license information to a plurality of first collective contents that are made up of a plurality of partial contents and that make up a second collective content and generates single license information by collecting the assigned respective license information (0006; 0008).

**11.** As per **claims 3 and 22**, Zhu further discloses the content use control device wherein the license generation unit imparts a unique content id to each of partial contents contained in the collective content and imparts a unique license id to license information corresponding to each of the partial contents contained in the collective content (0061).

**12.** As per **claims 4 and 23**, Zhu further discloses the content use control device, wherein the content id and the license id are associated with each other (0061).

**13.** As per **claims 5 and 24**, Zhu further discloses the content use control device, wherein the input-output interface enables connection to one or more of providing sources including a recording medium having the partial contents recorded thereon, a

Art Unit: 3685

network having a server device capable of providing the partial contents, and a digital broadcasting network capable of distributing the partial contents (see fig. 1).

**14.** As per **claims 6 and 25**, Zhu further discloses the content use control device, comprising:

external or internal recording unit and output control unit for outputting both or either of license information generated by the license generation unit and the collective content associated therewith to a recording medium via the recording unit or the input-output interface (see figs. 1 and 2).

**15.** As per **claims 7 and 26**, Zhu further discloses the content use control device, wherein the output control unit outputs license information generated by the license generation unit and the collective content associated therewith to different recording regions of the recording medium via the recording unit or the input-output interface (see figs. 1 and 2).

**16.** As per **claims 8, and 27**, Zhu further discloses the content use control device, comprising:

content reproduction unit for decoding and reproducing partial contents contained in the collective content recorded on the recording medium or the recording unit (see figs. 1 and 2); and



use control unit for controlling use of the reproduced partial contents in accordance with a use condition contained in the license information associated therewith (see fig. 4).

**17.** As per **claims 9 and 28**, Zhu further discloses the content use control device, wherein the collective content consists of video data and/or audio data, and wherein the partial contents making up the collective content are segments of the video data and/or the audio data segmented based on the time (0004; 0006; 0038).

**18.** As per **claims 10 and 29**, Zhu further discloses the content use control device, wherein the collective content is obtained by multiplexing partial contents each composed of one or more of the video data, audio data, and data broadcasting data (0004; 0006; 0038).

**19.** As per **claims 11 and 30**, Zhu failed to explicitly discloses the content use control device, wherein the partial content is an mpeg-2 ES (elementary stream)

Alkove discloses the content use control device, wherein the partial content is an mpeg-2 ES (elementary stream) (0002).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate the content use control device, wherein the partial content is an mpeg-2 ES (elementary stream) in order to ensure the particular data stream used in the implementation.

**20.** As per **claims 12 and 31**, Zhu further discloses the content use control device, wherein the partial content is a stream of one or more of BS broadcasting, CS broadcasting, and terrestrial digital broadcasting (0063).

**21.** As per **claims 13 and 32**, Zhu failed to explicitly disclose the content use control device, wherein the partial contents are ES group which belong to a single component group

Alkove discloses the content use control device, wherein the partial contents are ES group which belong to a single component group

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate wherein the partial contents are ES group which belong to a single component group in order to ensure the particular data stream used in the implementation.

**22.** As per **claims 15 and 34**, Zhu further discloses the content use control device, wherein the collective content is obtained by combining the partial contents each composed of image data and/or document data (see figs. 1 and 2;).

**23.** **Claims 14, 16, 33 and 35**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu et al (hereinafter "Zhu") U.S. Patent Application Publication No. 2005/0080746 A1 in view of Alkove et al (hereinafter "Alkove") U.S. Patent Application

Art Unit: 3685

Publication No. 2004/0143760 A1 and further in view of Matsuyama et al (hereinafter "Matsuyama") U.S. Patent Application Publication No. 2002/0056747 A1.

**24.** As per **claims 14 and 33**, Zhu and Alkove failed to explicitly disclose the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content.

Matsuyama discloses the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content (0025; 0038; 0048; 0134; 0137; 0138).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate a method wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, age viewing-and-listening restriction information for restricting the viewing-and-listening of the partial

Art Unit: 3685

content by the age, use count restriction information for restricting the use count of the partial content, and time limit for use information for restricting the time limit for use of the partial content in order to ensure adequate security of the protected data stream.

**25.** As per **claims 16 and 35**, Zhu and Alkove failed to explicitly disclose the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction information for restricting the number of colors of the partial content.

Matsuyama discloses the content use control device, wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction information for restricting the number of colors of the partial content (0025; 0038; 0048; 0134; 0137; 0138).

Accordingly it would have been obvious to one of ordinary skill in the art at time of applicant's invention to modify the method of Zhu and incorporate a method wherein the use conditions contained in the license information consist of one or more of copy restriction information for restricting copy of the partial content, print restriction information for restricting print of the partial content, time limit for use information for restricting the time limit for use of the partial content, resolution restriction information for restricting the resolution conversion of the partial content, and the number-of-colors restriction information for restricting the number of colors of the partial content in order to ensure adequate security of the protected data stream.

### ***Conclusion***

**26.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Application/Control Number: 10/575,703

Page 12

Art Unit: 3685

Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charlie C Agwumezie/

Primary Examiner, Art Unit 3685

July 15, 2010